IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1303 OF 2005

Pantosh Singhee. ... Petitioner

Versus.

State of Maharashtra. ... Respondents.

Shri Girish Kulkarni for the Petitioner.

Shri D.V.Salvi for the Respondent No.2.

Ms.S.D.Shinde, A.P.P. for State.

CORAM : ABHAY S. OKA, J.

DATED : 11th July, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties. In compliance with the order passed by this Court, the Petitioner has come back to India and is stated to be present today in Court. Through his Counsel the Petitioner undertakes to remain present before the learned trial Judge tomorrow i.e. 12th July 2005 at 11.00 a.m. The learned Counsel for the Petitioner states that after the Petitioner appears tomorrow before the learned trial Judge, he will make a formal application for cancellation of non-bailable warrant and the order issuing proclamation.

2. In view of this position, this Petition can be disposed of by directing the learned trial Judge to decide the Application which may be made by the Petitioner on its own merits. To enable the trial Court

to consider the Application, the ad-interim relief granted by this Court be extended for a reasonable time.

3. In view of this the following order is passed:

(i) The undertaking of the Petitioner to remain present before the learned trial Judge tomorrow i.e. 12th July 2005 at 11.00 a.m. is accepted.

(ii) If the Petitioner remains present before the learned trial Judge on 12th July 2005 and makes an application for cancellation/ setting aside of the non-bailable warrant and proclamation issued against him, the said application shall be considered by the learned trial Judge as expeditiously as possible on its now merits.

(iii) To enable the learned trial Judge to consider the said application on merits, ad-interim order passed by this Court on 20th June 2005 will continue to operate for a period of four weeks from today. It is made clear that if the Petitioner does not appear before the trial Court tomorrow 12th July 2005, ad-interim order will not operate and it will come to an end.

(iv) The parties and the concerned Court to act on an authenticated copy of this order.

Judge.